

REMARKS

Reconsideration and allowance of the application based on the foregoing amendments, and other reasons, are respectfully requested.

Claims 1-26 are in the application. Claims 7-25 were withdrawn from consideration by the Examiner. Claims 1-6 and 26 stood rejected.

In a telephone call made by the Examiner on December 3, 2003, the Examiner indicated that Claim 26 was allowable but he deemed the other elected claims not allowable because of Clark (6,142,927), and that he was willing to allow the application if applicants would cancel the remaining pending claims. On December 12, 2003, in response to the Examiner's follow-up telephone call, applicants, to the Office, faxed a PETITION FOR ONE-MONTH EXTENSION OF TIME and mailed a confirmation copy with check. In the later telephone call, applicants' attorney indicated that he believed that Clark did not anticipate the remaining elected claims, and that he would file an amendment narrowing the remaining elected claims. This amendment narrows the remaining elected claims.

Thus applicants have narrowed claim 1 so that "infrared source elements" must be "continuously-active broad" ones, whether it be something like their "finned infrared source or emitter 88" or "flat planar electrical resistance heaters generally indicated by the numeral 72 and 74". Not only must the "infrared source elements be in "an EMF-safe compact sauna for causing a user to sweat", be "disposed in close proximity to the user so that infrared radiation absorbed by the user constitutes the primary means for inducing the user to sweat", and emit "only a low-level of extremely-low-frequency electromagnetic fields"; they must now "be "continuously-active broad" ones. Clark does not begin to meet any of these limitations, let alone the new one.

Clark (6,142,927) is concerned with the application of particular electromagnetic radiation to the body (col. 1, lines 5-8), and not with a sauna! He only provides apparatus to generate particular electromagnetic waves. While he does disclose the use of an infrared transmitter 27 for the application of the "PCU generated product signals" (Col. 9, lines 27-29), and an infrared output 47 (for "product signals 25 generated, transmitted and applied by the PCU" (col. 9, lines 23, 24), he certainly does not teach "continuously-active broad" ones. His infrared transmitters and outputters are turned on

in spurts, and there is no effort shown to negate any unwanted low-level electromagnetic field.

Hence Clark does not anticipate applicants' claim 1, particularly as amended. Initially it should be observed that Clark does not even teach "an EMF-safe compact sauna for causing a user to sweat". Nor does he employ "continuously-active broad infrared source elements disposed in close proximity to the user so that infrared radiation absorbed by the user constitutes the primary means for inducing the user to sweat" (the thought of causing the user to sweat being entirely alien to Clark). Nor do Clark's "infrared source elements" (transmitter 27 and infrared output 47) emit "only a low-level of extremely-low-frequency electromagnetic fields".

Applicants negate the extremely-low-frequency electromagnetic fields normally generated by infrared heaters in their operation. Clark contains no suggestion on how to cure such problem. He does not even recognize it. Moreover, applicants would not have looked to Clark to solve their problem. He was non-analogous art and thus not available to render applicants' invention obvious.

Furthermore even if it was analogous art, Clark does not render applicants' invention obvious. As noted above, Clark teaches generating particular electromagnetic waves. Applicants were looking for ways to suppress indigenous EMF. Clark does not teach suppressing indigenous fields. Hence Clark's does not teach how to provide applicants' invention.

Claims 2, dependent directly on claim 1, too has been amended to set forth applicant's invention more precisely. Claim 2 further distinguishes over Clark by requiring that the "electric infrared heaters" be "continuously-active broad alternating-current" ones "emitting only a low level of extremely-low-frequency electromagnetic fields". There is no teaching in Clark that his "electric infrared heaters" are "continuously-active" or "broad" or "alternating current" ones.

Claim 3 dependent on claim 1, claims 4 and 5 dependent on claim 2, and claim 6 dependent on claim 5, recite further limitations not taught by the art.

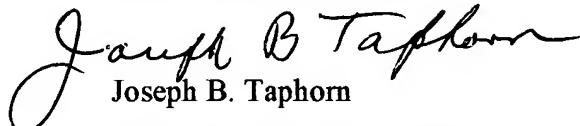
Claim 6 has been slightly amended to recite "bars" more generically. Thus they are now referred to as "elements" as in claim 5. As such, claim 6 still distinguishes over Clark.

Claim 26, indicated as allowable by the Examiner, has been rewritten as an independent claim. A check for \$43 is attached to cover the independent claim-over-3 fee.

Conclusion

Wherefore applicants believe that the rejected claims are allowable, particularly as amended, and the application indicated as having been placed in condition for allowance if the withdrawn claims are canceled, which favorable action at an early date is earnestly solicited.

Respectfully submitted,


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Attachment

CERTIFICATE OF MAILING - The undersigned certifies that this correspondence addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, has been deposited in the United States Postal System as first class mail with sufficient postage on December 23, 2003.


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